

## THREATENED SPECIES CONSERVATION ACT 1995

### Order Conferring biodiversity certification on the Wagga Wagga Local Environmental Plan 2010

I, Frank Sartor, MP, Minister for Climate Change and the Environment, being satisfied that the Wagga Wagga Local Environmental Plan 2010 (the LEP), in addition to the measures set out in Schedule 2 to this order, will lead to the overall improvement or maintenance of biodiversity values, do by this order confer biodiversity certification on the LEP, under the *Threatened Species Conservation Act 1995* (the Act).

Pursuant to clause 25 (3) of Schedule 7 to the Act:

1. the biodiversity certification of the LEP is subject to the condition listed in Schedule 1 to this order; and
2. the measures listed in Schedule 2 to this order are specified as measures that have been taken or are to be taken within the timeframes specified.

Pursuant to clause 27 of Schedule 7 to the Act, biodiversity certification of the LEP takes effect from the date of publication of this order in the Government Gazette and shall remain in force for a period of 10 years from that date.

This order is made under clause 25(2) of Schedule 7 to the Act.

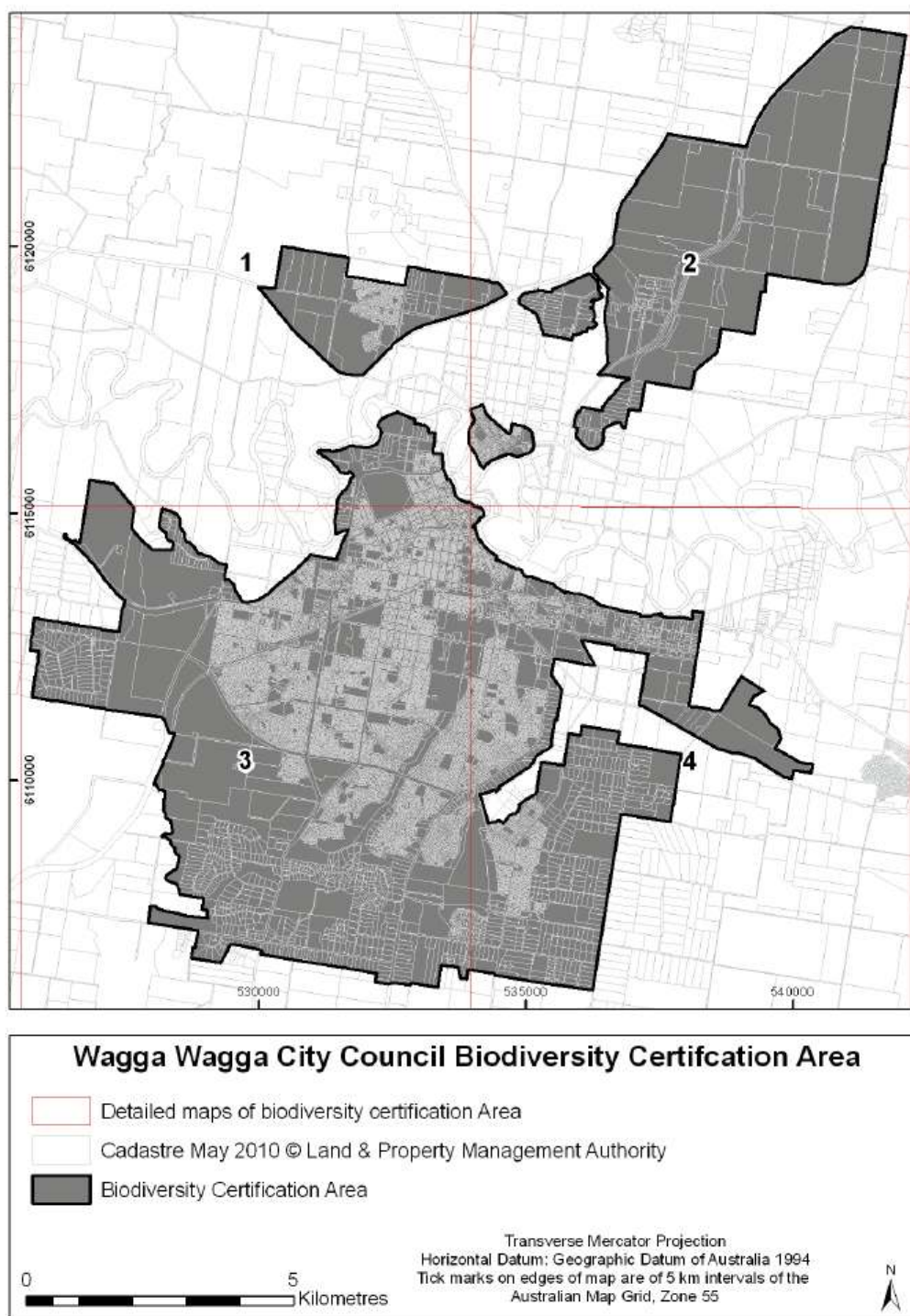
Signed at Sydney, this 20th day of December 2010.

FRANK SARTOR, M.P.,  
Minister for Climate Change and the Environment

#### Schedule 1 Condition of Biodiversity Certification

Biodiversity Certification of the Wagga Wagga Local Environmental Plan 2010 is limited to the area identified as the Biodiversity Certification Area on the following five maps titled:

1. "Wagga Wagga City Council Biodiversity Certification Area"
2. "Wagga Wagga City Council Biodiversity Certification Area – Map 1"
3. "Wagga Wagga City Council Biodiversity Certification Area – Map 2"
4. "Wagga Wagga City Council Biodiversity Certification Area – Map 3"
5. "Wagga Wagga City Council Biodiversity Certification Area – Map 4"





### Wagga Wagga City Council Biodiversity Certification Area - Map 1

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection  
 Horizontal Datum: Geographic Datum of Australia 1994  
 Tick marks on edges of map are of 5 km intervals of the  
 Australian Map Grid, Zone 55

0  5 Kilometres





### Wagga Wagga City Council Biodiversity Certification Area - Map 2

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection  
 Horizontal Datum: Geographic Datum of Australia 1994  
 Tick marks on edges of map are of 5 km intervals of the  
 Australian Map Grid, Zone 55

0 5 Kilometres





### Wagga Wagga City Council Biodiversity Certification Area - Map 3

- Detailed maps of biodiversity certification Area
- Cadastre May 2010 © Land & Property Management Authority
- Biodiversity Certification Area

Transverse Mercator Projection  
 Horizontal Datum: Geographic Datum of Australia 1994  
 Tick marks on edges of map are of 5 km intervals of the  
 Australian Map Grid, Zone 55

0 5 Kilometres





#### Wagga Wagga City Council Biodiversity Certification Area - Map 4

-  Detailed maps of biodiversity certification Area
-  Cadastre May 2010 © Land & Property Management Authority
-  Biodiversity Certification Area

Transverse Mercator Projection  
 Horizontal Datum: Geographic Datum of Australia 1994  
 Tick marks on edges of map are of 5 km intervals of the  
 Australian Map Grid, Zone 55

0 5 Kilometres



## Schedule 2 Other measures relevant to biodiversity certification

The following sets out the other relevant measures to be taken, that in addition to the Wagga Wagga Local Environmental Plan 2010, will lead to the overall improvement and maintenance of biodiversity values:

1. Implementation by Wagga Wagga City Council (WWCC) of the following provisions of the Lloyd Development Control Plan (DCP):
  - (a) cat control measures, which will, in addition to complying with the requirements of the *Companion Animals Act 1998*, require owners of domestic cats in the Lloyd Urban release area to manage their cats so that they are not to roam freely outdoors between the hours of 6pm and 6am. The Lloyd DCP outlines Council's intention to, as a condition of development consent, require the imposition of a restriction pursuant to section 88B of the *Conveyancing Act 1919* on all residential subdivisions within the Lloyd Urban Release Area; and
  - (b) retention and protection of trees:
    - (i) in the area of identified Squirrel Glider habitat outside the E2 zone at Lloyd shown in Figure 12 of the "Proposed Biodiversity Certification for the Wagga Wagga Local Environmental Plan 2009" (the PBC Report); and
    - (ii) along drainage lines to the west and south of the quarry at Lloyd shown as Area 2 in Figure 13 of the PBC Report.
2. Wagga Wagga City Council (WWCC) will enter into Planning Agreements with:
  - (a) the relevant landholders of the land identified as "Planning Agreement Area 1" in the map titled "Map of Planning Agreement Areas at Lloyd" (below); and
  - (b) the relevant landholders of the land identified as "Planning Agreement Area 2" in the map titled "Map of Planning Agreement Areas at Lloyd" (below)

under section 93F of the *Environmental Planning and Assessment Act 1979*. The draft Planning Agreements have been negotiated with the relevant landholders and are to provide for the transfer of a total of 148 ha of land to WWCC. The planning agreements are scheduled to be publicly exhibited from 20 December 2010 to 16 January 2011 and must be entered within 12 months from the date of gazettal of this order.
3. Adoption and implementation by WWCC of the draft Conservation Management Plan (CMP), for the Lloyd area. The draft CMP has been developed in consultation with the Department of Environment, Climate Change and Water and includes cat control measures and other measures relating to management of the land to be transferred to Council under the Planning Agreements referred to in measure 2 above. The CMP is to be adopted by WWCC as part of the Lloyd DCP once the Planning Agreements (above) are finalised.
4. Implementation by WWCC of provisions in the Boorooma East DCP that prohibit within the E4 zone the location of building envelopes or their accompanying asset protection zones in an area that will require the removal of any trees with a diameter of >60cm at a height of 140cm from the ground.
5. Adoption and implementation of the draft Bomen DCP, including provisions that protect all areas of remnant native vegetation including that on Trahairs Road and the areas identified in Figure 14 of the PBC Report. The final Bomen DCP which includes these provisions must be adopted by WWCC within 12 months of the date of gazettal of this order.

